

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BARBARA T. McDERMOTT
Plaintiff,

v.

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY
Defendant.

Civil Action

No. 09-3221

November 1, 2010

ORDER

AND NOW, this 1st day of November, 2010, upon consideration of Plaintiff's Brief and Statement of Issues in Support of Request for Review filed October 19, 2009; upon consideration of Defendant's Response to Plaintiff's Request for Review filed November 16, 2009; upon consideration of Plaintiff's Reply to Defendant's Response filed December 2, 2009; after review of the Report and Recommendation of United States Magistrate Judge Henry S. Perkin; and having received no objections thereto, it is hereby **ORDERED** that:

1. the Report and Recommendation is **APPROVED** and **ADOPTED**;
2. the relief sought by Plaintiff is **GRANTED** in part as described below;
3. the case is **REMANDED** to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g), in accordance with the Report and Recommendation:

- a. to address specifically and to weigh the global assessment of function scores as well as any other evidence relating to plaintiff's mental impairments (evaluated at step 2 of the five-step process), to provide clear reasoning as to how the assessments factor into a resulting decision, and to explain any rejection of competent evidence, R & R at 13–14, 15–16;
 - b. to consider expressly the initial denial letter received on May 21, 2007, and to explain whether the inconsistency with respect to plaintiff's ability to perform skilled past relevant work (evaluated at step 4) has any effect on the weighing of the medical evidence of record, R & R at 28–29;
 - c. to obtain additional testimony and to incorporate any additional limitations that may result from thoughtful reconsideration of plaintiff's claims, including her ability to perform other work which exists in the national economy in light of her residual functional capacity (evaluated at step 5), if necessary, R & R at 29;
4. in all over respects, Plaintiff's request for relief is **DENIED**; and
 5. the Clerk of Court shall **CLOSE** this matter statistically.

BY THE COURT:

/s/ Louis H. Pollak
Louis H. Pollak
United States District Judge